

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:)	
)	MB Docket No. 05-311
Implementation of Section 621(a)(1) of)	
the Cable Communications Policy Act of)	
1984 as amended by the Cable Television)	
Consumer Protection and Competition)	
Act of 1992)	
)	

To: The Secretary

REPLY COMMENTS

Entravision Holdings, LLC ("Entravision"), the licensee of full-power broadcast television stations, by its attorneys, hereby submits these Reply Comments in the above-referenced rule making proceeding concerning the impact of the local franchising process on the "interrelated federal goals of enhanced cable competition and accelerated broadband deployment." *Notice of Proposed Rule Making*, FCC 05-189, released November 18, 2005 ("NPRM") at ¶ 1. While Entravision fully supports these goals, it requests that the Commission reaffirm the critical role of over-the-air television in the video marketplace and affirm that all new entrants into the multichannel video programming distribution ("MVPD") market must abide by the same must-carry and retransmission consent policies to which existing MVPDs are required to adhere. In support thereof, Entravision states as follows.

Entravision commends the Commission's efforts to increase cable competition and accelerate broadband deployment, as both of these objectives will bring improved service and greater choice to the viewing public. With respect to the specific subjects raised by the Commission in this proceeding, Entravision has no pertinent information to provide concerning

the efficacy of the local franchising process, nor does Entravision wish to enter the fray of competing claims by and among the telephone companies and cable industry. Instead, Entravision wishes to second the Comments of the National Association of Broadcasters ("NAB") concerning the application of the Commission's must-carry and retransmission consent policies to new MVPD platforms. *See* NAB Comments at 4-5.

In its efforts to achieve the goals identified above, the Commission must not lose sight of its existing policies that further competition and promote critical Commission values such as localism and diversity. As noted by the NAB, Congress and the Supreme Court have recognized free over-the-air local television as indispensable to the "widespread dissemination of information from a multiplicity of sources," and have upheld the role of must-carry and retransmission consent rules in preserving the viability over-the-air television. *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180, 189 (1997). Regardless of what policies the Commission ultimately adopts to foster competition in the MVPD market, it must continue to apply the lessons of *Turner* and require all new entrants into the MVPD market place to abide by the Commission's must-carry and retransmission consent rules. As a provider of Spanish-language television programming, Entravision knows full well that it is only through the must-carry rules that many providers of foreign language, religious and other independent programming are able to reach MVPD customers. In order to promote competition without sacrificing local service and diversity of programming, the Commission must maintain broadcasters' must-carry and retransmission consent rights with respect to new MVPD platforms.

WHEREFORE, for the foregoing reasons, Entravision Holdings, LLC requests that the Commission apply its must-carry and retransmission consent policies to all new entrants into the multichannel video programming distribution market.

Respectfully submitted,

ENTRAVISION HOLDINGS, LLC

/s/ Barry A. Friedman
Barry A. Friedman
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036-1600
Counsel for Entravision Holdings, LLC

March 14, 2006